

REMARKS

In the Office Action dated September 9, 2004, claim 19 was rejected under 35 U.S.C. § 112, ¶ 2; claims 1, 20, 24, and 25 were rejected under § 102 over U.S. Patent No. 6,748,246 (Khullar); claims 2-4, 15-17, and 22 were rejected under § 103 over Khullar in view of Patent Application Publication No. 2001/0009544 (Vanttinen '544); claims 5-11, 14, 18, 21, and 23 were rejected under § 103 over Khullar in view of U.S. Patent No. 6,747,989 (Sevanto); claim 12 was rejected under § 103 over Khullar in view of Sevanto, Vanttinen '544, and U.S. Patent No. 6,683,860 (Forssell); claim 13 was rejected under § 103 over Khullar in view of Patent Application Publication No. 2002/0126630 (Vanttinen '630); and claim 19 was rejected under § 103 over Khullar in view of Sevanto and Patent Application Publication No. 2004/0017798 (Hurtta).

It is respectfully submitted that Vanttinen '544 and Hurtta do not constitute prior art with respect to the present application. The present application claims the priority of U.S. Provisional Application Serial No. 60/238,843, filed October 6, 2000. The § 102(e) date of Vanttinen '544 is January 26, 2001, and the § 102(e) date of Hurtta is January 19, 2001, both after the October 6, 2000 filing date of the provisional application. Therefore, withdrawal of the rejections of claims 2-4, 12, 15-17, 19, and 22, which are based in part on Vanttinen '544 or Hurtta, is respectfully requested.

Each of claims 2 and 22 has been amended from dependent form to independent form, with the scope of each claim remaining *unchanged*.

Claim 1 was rejected as being anticipated by Khullar. Specifically, the Office Action pointed to column 6, lines 4-10, and Fig. 3 of Khullar as teaching the method of claim 1. The cited passage refers to a controller in a multi-mode terminal (*e.g.*, mobile station 102) that is able to receive input signals from a battery monitor/charger module 316, a low power mode switch 324, and an RSS meter 310. The controller 312 (in the mobile station) processes these inputs to produce control signals that control the operation of transceivers (in the mobile station) to select one of supported access technologies as the optimal access technology. Receiving input signals from components of the mobile station to determine the access technology to use in the mobile station is not the same as receiving, in a *wireless network controller*, an indicator in a message sent *over an air link* by a mobile station, and selecting one of plural types of protocol stacks in

the wireless network controller to use for communications over the air link between the wireless network controller and mobile station based on the indicator. The input signals received from the components of the mobile station are internal signals of the mobile station not received over an air link. Also, selection of access techniques within the mobile station is not selecting one of plural types of protocol stacks *in a wireless network controller*.

Khullar also describes a base station 104 that is able to receive periodic reports from a mobile station indicating a need or desire to enter a low power operating mode, and in response to such reports, the base station may determine the optimal access technique and to instruct the mobile station to hand-off to the optimal access technique. However, telling the mobile station to hand-off to a different access technique is not the same as selecting one of plural types of protocol stacks *in the wireless network controller*. In Khullar, there is no indication of selecting different protocol stacks in the base station 104 itself.

In view of the foregoing, it is respectfully submitted that claim 1 is not anticipated by Khullar.

Independent claim 20 is similarly allowable over Khullar.

Independent claim 24 was also rejected as being anticipated by Khullar. Claim 24 recites performing contention resolution with a first type of mobile station using a first type of indicator, and performing contention resolution with a second type of mobile station using a second type of indicator. The Office Action failed to provide any explanation regarding how Khullar teaches performance of *contention resolution* with different types of mobile stations using different types of indicators. Khullar describes selecting different access technologies relating to a battery or power state. However, there is no indication whatsoever of performing any contention resolution. The term “contention resolution” refers to a procedure for distinguishing between multiple stations using an indicator. An explanation of an embodiment of “contention resolution” is provided on page 11, lines 4-15, of the present application. Given a proper construction of the term “contention resolution,” Khullar clearly does not disclose the acts performed in claim 24.

Claim 5 has been amended from dependent form to independent form, with the scope of claim 5 remaining *unchanged*. Claim 5 was rejected as being obvious over Khullar and Sevanto. Claim 5 recites receiving an indicator in a message sent by a mobile station to establish a data

transfer session in a wireless network, and selecting one of plural types of protocol stacks to use for communications over an air link between the wireless network controller and mobile station based on the indicator, where the indicator is a Temporary Logical Link Identity (TLLI) structure having one of plural values.

The Office Action conceded that Khullar fails to disclose the TLLI structure. 9/9/2004 Office Action at 4. However, the Office Action relied upon Sevanto as teaching the TLLI structure, pointing specifically to Fig. 4 of Sevanto and more specifically the PDP type indicator depicted in Fig. 4 of Sevanto. It is respectfully submitted that the PDP type field 402 shown in Fig. 4 of Sevanto is *not* part of the TLLI structure. Fig. 4 shows parameters of an Activate PDP Context Request message. Sevanto, 6:27-33. In addition to a Network Service Access Point Identifier (NSAPI) 401, Sevanto also mentions that the Activate PDP Context Request message also contains TLLI and IMSI information elements, that are “not shown in FIG. 4.” Sevanto, 6:37-40. Thus, according to Sevanto, the TLLI information element is part of the Activate PDP Context Request. The PDP Type field 402 is also part of the Activate PDP Context Request. However, the PDP Type field 402 is *not* part of the TLLI information element. Equating the PDP Type field with TLLI as performed in the Office Action is clearly erroneous. Therefore, even if Khullar and Sevanto can be combined, the hypothetical combination of references fails to teach or suggest all elements of the claim. A *prima facie* case of obviousness has thus not been established with respect to claim 5. See M.P.E.P. § 2143 (8th ed., Rev. 2), at 2100-129.

Claim 9 was also rejected as being obvious over Khullar and Sevanto. Claim 9 has been amended from dependent form to independent form. Claim 9 recites that the indicator used to select one of plural types of protocol stacks includes a parameter used for *contention resolution for distinguishing multiple mobile stations*. In the Office Action, selection of a protocol stack was equated with contention resolution, which is clearly improper. 9/9/2004 Office Action at 5. Therefore, even if Khullar and Sevanto can be properly combined, the hypothetical combination of Khullar and Sevanto does not teach or suggest all elements of claim 9. Therefore, a *prima facie* case of obviousness cannot be established with respect to claim 9.

Independent claim 14 was also rejected as being obvious over Khullar and Sevanto. Reliance was made on Sevanto as teaching the first and second types of indicators of claim 14. The indicators of claim 14 were equated with the PDP Type field of Sevanto. It is respectfully

submitted that the PDP Type field is *not* used for performing contention resolution with first and second types of mobile stations using respective first and second types of indicators. Thus, even if Khullar and Sevanto can be properly combined, the hypothetical combination of Khullar and Sevanto does not teach or suggest all elements of claim 14. Therefore, a *prima facie* case of obviousness has not been established with respect to claim 14.

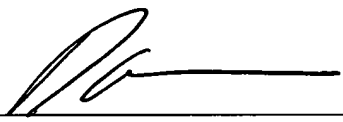
Dependent claims, including newly added dependent claims 26-28, are allowable for at least the same reasons as corresponding independent claims.

In view of the foregoing, all claims are now in condition for allowance, which action is respectfully requested.

The Commissioner is authorized to charge any additional fees and/or credit any overpayment to Deposit Account No. 20-1504 (NRT.0102US).

Respectfully submitted,

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